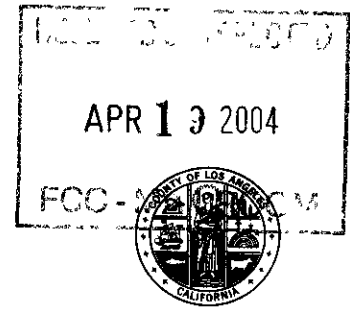




LEROY D. BACA SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



April 12, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RM-10865/DA NO. 04-700
COMMENTS ON THE "LAW ENFORCEMENT" PETITION
FOR RULEMAKING ON CALEA

The Los Angeles County Sheriff's Department submits these comments on the referenced Joint Petition ("Petition") filed on behalf of all Law Enforcement by the United States Department of Justice ("DOJ"), the Federal Bureau of Investigation ("FBI") and Drug Enforcement Administration ("DEA"). The Petition, filed on March 10, 2004, before the Federal Communications Commission ("FCC") requests that the FCC resolve, on an expedited basis, various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act ("CALEA").

It is vitally important, and consistent with the intent of Congress in enacting CALEA, that the FCC initiate a rule-making proceeding and adopt the rules proposed by the DOJ, FBI, and DEA in the above Petition. Congress enacted CALEA in 1994 to ensure that law enforcement would have the ability to conduct authorized wiretaps in the future as technologies changed. Since 1994, many new communications technologies have arisen, including broadband Internet access, voice-over IP telephony ("VoIP"), push-to-talk digital dispatch services, and other packet mode services. These services pose a great challenge to state and local law enforcement in that many such providers of these communications services have failed to voluntarily adopt currently available CALEA intercept solutions. Thus, law enforcement has been thwarted in its attempts to implement lawfully

authorized surveillance intercepts. History has shown that voluntary industry compliance with CALEA does not work.

An especially troubling example of this lack of voluntary compliance is the recent development and marketing by both Sprint PCS and Verizon Wireless of nationwide "Push-to-Talk" service. These products currently cannot be intercepted by law enforcement, however, they were rolled out with full knowledge that this feature is consistent with the Commission's finding in the *CALEA Second Report and Order*, that push-to-talk "dispatch" service is subject to CALEA. Even with the FCC's finding, Sprint and Verizon continue to vigorously market this feature without an intercept solution.

Furthermore, state and local law enforcement do not have the financial or personnel resources to develop costly ad hoc surveillance solutions for each new communications service, nor should they have to, under the current law. For all equipment, services and facilities deployed after January 1, 1995, Congress, through CALEA, expressly passed the burden of designing and paying for such surveillance solutions onto the telecommunications carriers themselves.

Given the importance of the issues referenced above, it is critical that the FCC promptly act upon the Petition and commence a rule-making proceeding adopting the DOJ, DEA, and FBI proposed rules on behalf of all law enforcement.

Sincerely,

A handwritten signature in black ink, appearing to read "Leroy D. Baca". The signature is fluid and cursive, with a large initial "L" and "B".

LEROY D BACA
SHERIFF